

ALLISTER ADEL
MARICOPA COUNTY ATTORNEY
(Firm State Bar No. 00032000)

KENNETH N. VICK
CHIEF DEPUTY
225 West Madison Street
Phoenix, Arizona 85003
Telephone: (602) 506-3800
vick@mcao.maricopa.gov
(State Bar Number 017540)

ARIZONA SUPREME COURT

IN RE:

**PETITION TO AMEND RULE
22.5, ARIZONA RULES OF
CRIMINAL PROCEDURE**

R-20-0015

**REPLY TO COMMENTS TO
PETITION TO AMEND RULE 22.5,
ARIZONA RULES OF CRIMINAL
PROCEDURE**


Pursuant to Rule 28, Rules of the Supreme Court of Arizona, the Maricopa County Attorney hereby replies to the comment filed by the Arizona Prosecuting Attorneys' Advisory Council (APAAC) in this matter. APAAC's comment, while supportive of the Petition, expressed a valid concern that the proposed rule change did not provide a process for how to notify a juror of court approved contact.

The modified proposal attached to this reply now clearly states that the party requesting contact with a juror is responsible for providing the required notification after the court approves contact. The notice must be in writing, must be made at least 48 hours in advance of any contact, and a copy of the notice must be supplied to the opposing party.

With the addition of this new language, we renew our request to adopt the proposed revisions to Rule 22.5, Arizona Rules of Criminal Procedure for all the reasons stated in the original Petition.

Respectfully submitted this day 11th of May 2020.

ALLISTER ADEL
MARICOPA COUNTY ATTORNEY

By /s/ 
KENNETH N. VICK
CHIEF DEPUTY

APPENDIX

Contents of the Revised Proposed amendment to Ariz. R. Crim. P. 22.5

(a) – (b) *No Change*

(c) After the 10-day time period in Rule 24.1, contact with jurors about the case by a party or a party's representative or agent is prohibited unless specifically authorized by the court upon motion of a party and finding of good cause. If contact is authorized, the requesting party must inform the juror(s) in writing, and copy the opposing party, at least 48 hours before any contact of the following:

(1) the case name and number,

(2) the party seeking the contact,

(3) the subject matter of the interview, and

(4) the absolute right of the juror to:

(A) discuss or not discuss the case,

(B) terminate the contact at any time,

(C) request the presence of a representative from all parties, and

(D) review and have a copy of any subsequent declaration about the contact that is filed with the court.

(d) Except in response to a court order, no juror is required to communicate with anyone at any time concerning any trial in which they have been a juror.